

**ARTICLE 32**  
(Majority vote)

**COMMUNITY PRESERVATION PROGRAM  
DIRECT APPROPRIATIONS FROM FUND BALANCE**

To see if the Town will vote to appropriate or set aside for later appropriation, and to authorize the Board of Selectmen and the Town Manager to expend or set aside, from the FY 2007 Community Preservation Fund balance as set forth herein, the following amounts for community preservation purposes, with such expenditures to be subject to conditions listed in the Article's Summary and to be further specified in award letters from the Community Preservation Committee, with each item considered a separate appropriation:

<b>FY 2007 COMMUNITY PRESERVATION FUND BALANCE</b>	
<b>FY 2007 Community Preservation Fund Revenues</b>	
Community Preservation Fund Surcharge Collected in FY 2007	\$ 682,395.00
State Community Preservation Trust Fund Receipt, October 2007	\$ 690,028.00
<b>Other FY 2007 Community Preservation Fund Components</b>	
Interest Earned in FY 2007	\$ 137,304.00
Recapture of unspent previous years' project appropriations	\$ 0.00
Unencumbered FY 2006 Fund Balance	\$ 193,565.14
<b>Total - FY 2007 Community Preservation Fund Balance</b>	<b>\$ 1,703,292.14</b>
<b>APPROPRIATIONS</b>	
<b>Purpose</b>	<b>Recommended Amounts</b>
<b>Set Aside Appropriations for</b>	
A. Acquisition, creation, and preservation of open space, and its rehabilitation and restoration	\$ 500,000.00
<b>Spending Appropriations</b>	
B. Pre-development Funds (Sachem Way), Acton Housing Authority	\$ 136,000.00
C. Administrative Fund, Acton Community Housing Corporation	\$ 15,000.00
D. Community Housing Program Fund	\$ 170,000.00
E. Exchange Hall Renovations	\$ 231,948.00
F. Conant Nature Trails (Conant Elementary School)	\$ 15,000.00
G. Theater III Window Restoration	\$ 46,000.00
H. Trail Through Time	\$ 35,000.00
I. NARA Picnic Pavilion	\$ 250,000.00
J. Elm Street Playground	\$ 75,000.00
K1. West Acton Citizen's Library Renovations	\$ 60,036.00
<b>Administrative Spending Appropriation</b>	
L. CPC direct expenses	\$ 3,500.00
M. A fund reimbursing the Town of Acton for administrative services and operating expenses provided in support of the Community Preservation Committee	\$ 65,121.00
<b>Total Recommended Appropriations from FY 2007 Community Preservation Fund Balance</b>	
	<b>\$ 1,602,605.00</b>

Remaining FY 2007 fund balance	\$ 100,687.14
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And, whereas Massachusetts General Law, Chapter 44B requires that the Town appropriate for spending, or set-aside for future spending, from the 2007 Community Preservation Fund revenues at least 10% for open space, 10% for historic preservation, and 10% for community housing.

And, whereas the recommended appropriations for open space, historic preservation, and community housing each meet or exceed 10% of the 2007 Community Preservation Fund revenues.

And, whereas Town Meeting may vote to delete or reduce any of the recommended amounts.

Therefore, in the event that recommended amounts are deleted or reduced, vote to appropriate as a set-aside for future spending from the FY 2007 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% of the FY 2007 Community Preservation Fund revenues for open space (\$137,242.30), not less than 10% of the FY 2006 Community Preservation Fund revenues for historic preservation (\$137,242.30), and not less than 10% of the FY 2006 Community Preservation Fund revenues (\$137,242.30) for community housing.

And, to authorize the Board of Selectmen and the Town Manager to expend from the FY 2007 Set-Aside Fund Balance for the acquisition, preservation, rehabilitation and restoration of historic resources as set forth herein, the following amount for historic preservation purposes, with such expenditures to be subject to conditions listed in the Article's Summary and to be further specified in award letters from the Community Preservation Committee:

<b>FY 2007 SET-ASIDE FUND BALANCE FOR THE ACQUISITION, PRESERVATION, REHABILITATION AND RESTORATION OF HISTORIC RESOURCES</b>	<b>\$ 59,464.00</b>
<b>APPROPRIATIONS</b>	
<b>Purpose</b>	<b>Recommended Amounts</b>
<b>Spending Appropriations</b>	
K2.West Acton Citizen's Library Renovations	\$ 59,464.00
<b>Total Recommended Appropriations from FY 2007 Set-Aside Fund Balance for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources</b>	<b>\$ 59,464.00</b>
Remaining FY 2007 fund balance	\$ 0.00

, or take any other action relative thereto.

### SUMMARY

This article would make appropriations from the Town's Community Preservation Fund. All items listed are recommended by the Community Preservation Committee.

In 2002, the Town adopted the Community Preservation Act, Massachusetts General Laws Chapter 44B (the Act). This established Acton's Community Preservation Fund through a 1.5% annual surcharge on real estate property tax bills with certain exemptions, and made the Town eligible to

receive annually additional monies from the Massachusetts Community Preservation Trust Fund, which are added to the Town's Community Preservation Fund. Under the Act, the Community Preservation Fund may be used to acquire, create and preserve open space; to acquire, preserve, rehabilitate, and restore historic resources; to acquire, create, preserve and support community housing; to acquire, create and preserve land for recreational use; to rehabilitate and restore open space, land for recreational use and community housing that is acquired or created with CPA funds; and for certain related expenses in support of the foregoing. Community housing is defined as housing for low- and moderate-income individuals and families. This is the fifth year of appropriations from Acton's Community Preservation Fund.

Local adoption of the Community Preservation Act established the Acton Community Preservation Committee as a statutory committee under the Act (Chapter S of the Bylaws of the Town of Acton). The Community Preservation Committee's duties under the law are to study the needs, possibilities, resources, and preferences of the Town regarding community preservation; to engage in an open and public process of deliberation and consult with other Town Boards and Committees; and to make recommendations to Town Meeting for appropriations from the Community Preservation Fund.

In July 2007, the Community Preservation Committee published its 2008 Community Preservation Plan with guidelines for the submission of projects seeking funding. The Committee received twelve applications for funding of proposed items and projects. The Committee reviewed all proposals, interviewed proponents, and solicited legal opinions on the proposals to help evaluate their eligibility under the Act. This article represents the Committee's recommendation for appropriations from the available Community Preservation Fund balance, and from the historic resources preservation set-aside fund that was established in 2007. All recommended amounts are "up-to" spending limits. Savings, if any, will be available for future appropriations. All proposed projects are recommended for funding, whereby some of the projects are recommended at different funding levels than the proponents had originally requested. As in previous years the recommended appropriations include a set-aside for open space. The recommended appropriations zero out the historic resources preservation set-aside fund and leave a remaining Community Preservation Fund balance of \$100,687.14 that is available for future Town Meeting appropriations in all eligible funding categories under the Act.

The Act states that Town Meeting may delete or reduce any of the recommended appropriations, but may not add new items or increase the recommended appropriations. The Act also requires that the Community Preservation Committee recommends in each fiscal year the spending of not less than 10% of the annual revenues in the Community Preservation Fund for each of the following: open space (not including land for active recreation purposes); historic resources; and community housing. The Committee may also recommend the taking by the Town of interest in real property (not recommended this year), the borrowing of funds for Community Preservation (not recommended this year), and appropriation of not more than 5% of the annual revenues of the Community Preservation Fund for the Committee's administrative and operating expenses.

#### **A. Open Space Set-Aside**

This item sets aside a fund from which Town Meeting may appropriate spending in future years for the purpose of acquisition, creation, and preservation of open space. Together with the previous years' open space set-aside appropriations, the recommended amount will bring the balance in the open space set-aside to \$1,750,000.

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b> <b>Recommended</b>	<b><u>Finance Committee</u></b> <b>Recommended</b>
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#### **B. Pre-development Funds for the Acton Housing Authority**

The Acton Housing Authority (AHA) proposes to construct new buildings for affordable rental housing for families below 80% of the area's median income at the AHA property on Sachem Way. The appropriation of pre-development funds is designated for this community housing development project and is to be used for architectural services, engineering, surveying, environmental study and designs, and legal and financial consulting services. The AHA proposes to use \$30,000 of other funding for a total estimated project pre-development cost of \$166,000.

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b> <b>Recommended</b>	<b><u>Finance Committee</u></b> <b>Recommended</b>
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#### **C. Acton Community Housing Corporation Administrative Fund**

This item will provide the Acton Community Housing Corporation (ACHC) with funds for office supplies, postage, bond insurance, legal services, and other miscellaneous expense to fulfill its mission and purpose in support of community housing in Acton. The ACHC does not have staff or employees and does not maintain offices. ACHC board members conduct the corporation's business from their homes using Town Hall resources from time to time for things such as copying. The appropriation is expected to cover the ACHC administrative expenses for about three years. Under the ACHC enabling statute, expenditures from this fund by the ACHC requires the approval of the Board of Selectmen.

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b> <b>Recommended</b>	<b><u>Finance Committee</u></b> <b>Recommended</b>
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#### **D. Community Housing Program Fund**

This appropriation will be for the acquisition, creation, preservation, and support of community housing in the Town of Acton. It will replenish the Community Housing Program fund which received Community Preservation Fund appropriations in previous years. The Fund can be used for acquisition, rehabilitation, and conversion of existing housing stock; new development; refinancing or repurchase of existing affordability restrictions about to expire; purchase of new affordable housing deed restrictions; accessibility modifications of affordable units for persons with disabilities; and financial assistance to low- and moderate-income buyers. This set-aside fund will be retained as a special CPA fund earmarked for appropriate affordable housing activities recommended by the Acton Community Housing Corporation (ACHC) or any other entity approved by the Board of Selectmen. Under ACHC's enabling statute, expenditure of such funds by the ACHC requires the approval of the Board of Selectmen. The ACHC keeps the Community Preservation Committee and the Board of Selectmen informed about the use of this Fund with periodic reports, and to seek guidance as appropriate.

The ACHC's work in the coming year will focus on continuing its Condominium Buy-Down Program. Recently, the fund has been used to assist one eligible condo buyer, and there are commitments to subsidize the purchase of three condo units for first-time home buyers and one condo unit for the Acton Housing Authority. The ACHC has also created a Ready Buyer List of

eligible households in need of affordable housing assistance under this program. In addition, the ACHC will continue its sponsorship of the First Time Homebuyer Course and will be working on development of downpayment assistance, foreclosure prevention, and credit counseling programs. Community Housing Program Fund initiatives funded in whole or in part with CPA funds shall be subject to the following conditions and restrictions:

- Any community housing created shall qualify under the statutory definition of "community housing" as "low and moderate income housing for individuals and families, including low or moderate income senior housing".
- Any community housing created shall be subject to a permanent deed restriction that meets the requirements of chapter 184 and that ensures that the subsidized housing remains affordable in perpetuity and that the unit or units are added to the Town's Subsidized Housing Unit Count.
- Specific program initiatives and expenses shall have prior approval by the Board of Selectmen.

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b>	<b><u>Finance Committee</u></b>
	<b>Recommended</b>	<b>Recommended</b>

### **E. Exchange Hall Renovations**

The Exchange Hall, built in 1860 as a general store with function hall at the corner of School Street and Main Street in South Acton, is one of the most treasured and prominent historic buildings in Acton. The building is on the National Register of Historic Places and in the South Acton Local Historic District. The building is also listed among the most endangered historic treasures in the State. Situated on a postage-stamp lot, limited septic and parking capacities have held back its economic use and revitalization.

There are now solutions for both of these problems. An opportunity exists to bring the building back to its original grandeur and to put it back to economic use that can help sustain its future maintenance and contribute to the revitalization of South Acton Village. The owner, Bluebird Realty Trust has put forward a plan for the complete preservation and reuse of the property. The Board of Selectmen granted a Site Plan Special Permit for the site redevelopment, and the Historic District Commission issued a Certificate of Appropriateness for the expansion and restoration of Exchange Hall. The proposed CPA funding will assist in the exterior restoration of this historic building and signal to potential investors and creditors that the Town has a strong commitment to the building's restoration and revitalization.

Funding is limited to exterior restoration work of the Exchange Hall building. Such work must specifically include: slate roof restoration/replacement including the cupola roof; window restoration/replacement; rebuilding of the lower porch and deck; and scaffolding of the entire building. The total project, including the removal of one smaller building on the site and the restoration of another, is currently estimated to cost at least \$2 million. Funding of this project shall be subject to the following conditions:

- Conveyance to the Town and recording of a historic preservation restriction on the Exchange Hall building that is in form and substance acceptable to the Community Preservation Committee and Town Counsel.
- The historic preservation restriction shall be perpetual to the extent permitted by law, subject to review after casualty damage or destruction.
- The historic preservation restriction shall include, or a separate recordable instrument shall covenant, that upon completion of all exterior and interior restoration work, the Town shall have right without any obligations and conditions to use Exchange Hall function space for one Monday per month for 15 years or such other equivalent period as the Town and the owner may agree from time to time.

- Payments shall be made after completion of all exterior and interior work items listed in the project funding application submitted to the Community Preservation Committee including all items funded by other sources.
- Certification by the Historic District Commission or their agent that the completed work meets the terms of the Certificate of Appropriateness.
- Receipt by the Acton Historic District Commission of all letters and certificates from the National Park Service that qualify the work as a historic rehabilitation project for the 20% federal preservation tax credit. The required National Park Service letters shall certify that:
  - (1) Exchange Hall meets the criteria for listing on the National Register (tax credit application Part I, Evaluation of Significance);
  - (2) The Exchange Hall rehabilitation plans submitted before the start of any restoration work meet the Secretary of the Interior's Standards for Rehabilitation of Historic Properties (tax credit application Part II, Description of Rehabilitation); and
  - (3) All finished work on Exchange Hall meets the Secretary of the Interior's Standards for the Treatment of Historic Properties (tax credit application Part III, Certification of Completed Work).

<b>Recommendations:</b>	<u><b>Board of Selectmen</b></u> <b>Recommended</b>	<u><b>Finance Committee</b></u> <b>Recommended</b>
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#### **F. Conant Nature Trails**

The Conant Elementary School is proposing to create a network of new nature trails on the Conant School's property that would be handicapped accessible, open to the public, and serve as a central focus of the school's environmental science program. The School would also create a trail guide to assist families and residents to enjoy the new trail resource. The recommended funding amount is primarily for project planning to determine optimal trail siting and layout. The school proposes to raise additional funds from foundations and other sources to help with the construction.

<b>Recommendations:</b>	<u><b>Board of Selectmen</b></u> <b>Recommended</b>	<u><b>Finance Committee</b></u> <b>Recommended</b>
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#### **G. Theater III Window Restoration**

The Acton Community Center, Inc. (Theater III) has applied for CPA funding to restore 16 large original windows in their community theater building at 250 Central Street in West Acton. The building is the former Universalist Church built in 1868. It is situated in the West Acton Local Historic District. Payments under this appropriation shall be subject to the following conditions:

- Issuance by the Acton Historic District Commission of a Certificate of Appropriateness or Determination of Non-Applicability for the proposed window restorations.
- Conveyance to the Town and recording of a historic preservation restriction on the Theater III building at 250 Central Street that is in form and substance acceptable to the Community Preservation Committee and Town Counsel.
- The historic preservation restriction shall be perpetual to the extent permitted by law, subject to review after casualty damage or destruction.
- Payments shall be made after completion of window restoration work, and inspection by the Historic District Commission or their agent certifying that the completed work meets the terms of the Certificate of Appropriateness (if applicable) and of the Secretary of the Interior's Standards for the Treatment of Historic Properties.

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b> <b>Recommended</b>	<b><u>Finance Committee</u></b> <b>Recommended</b>
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### **H. Trail Through Time**

The Town of Acton has proposed this innovative historic preservation project for the restoration of various stone and foundation remains associated with the former Wheeler Farm, now on Town-owned conservation land in North Acton. In conjunction with the restoration there will be a non-intrusive archaeological Field School in collaboration with the Acton Discovery Museum. Appropriate landscape improvements would be made following the restoration, and an information board or kiosk will describe the site's significance. A trail would connect the Wheeler Farm site with various other points of interest: Other remnants of early American settlements (Wheeler Farm, Robbins Mill Dam, and Pencil Factory Dam); the Nashoba Brook Stone Chamber recently restored with CPA funds; and remnants of stone structures in the same area, some of which are potentially of Native American origin. Payments under this appropriation shall be made after completion of restoration work items and inspection by the Historical Commission or their agent certifying that the completed work meets the Secretary of the Interior's Standards for the Treatment of Historic Properties.

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b> <b>Recommended</b>	<b><u>Finance Committee</u></b> <b>Recommended</b>
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### **I. NARA Picnic Pavilion**

The Town of Acton proposes to construct a  $\pm 1,500$  square foot picnic pavilion at NARA at the site shown on the original NARA design plan for such a structure. This is where currently the tents are located. The timber frame structure with a metal roof will have three areas where unrelated functions can be held or they can be used together for larger events. The total person capacity is  $\pm 100$ . The structure will be surrounded by a concrete pad that offers additional gathering space. The goal is to complete the pavilion in time for Acton's 275<sup>th</sup> anniversary in 2010. The requested funds are for the structure and related improvements. The Town will use gift funds and its own labor to install and complete landscaping around the pavilion site.

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b> <b>Recommended</b>	<b><u>Finance Committee</u></b> <b>Recommended</b>
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### **J. Elm Street Playground**

This recommended appropriation will help fund the creation of a brand new Elm Street playground facility located behind the existing tennis courts with a total estimated cost of \$85,000. It will completely replace an existing older facility that is no longer safe for use. The playground will be accessible for persons with disabilities, and feature a picnic pavilion, separate toddler and 6-11 year old play areas, a sandbox, environmentally friendly materials, and loose rubber surfaces. There is strong citizen support for this project with a private \$10,000 pledge from the Acton residents.

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b> <b>Recommended</b>	<b><u>Finance Committee</u></b> <b>Recommended</b>
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### **K1 and K2. West Acton Citizen's Library Renovations (\$119,500 Total)**

The Town has requested CPA funding for a restoration project on the exterior of the West Acton Citizens' Library. The library is located at 21 Windsor Avenue in the West Acton Local Historic District. Built in the late 1840's, the West Acton Citizens' Library is the oldest publicly-owned building actively in use by the Town. Restoration work will include exterior wood repair and painting, window restoration, storm window replacements, granite step replacement or repair, and restoration of arched service entrance. The Town will provide \$12,500 in additional funding and in-kind services. Payments under this appropriation shall be subject to the following conditions:

- Issuance by the Acton Historic District Commission of a Certificate of Appropriateness or Determination of Non-Applicability for the proposed restoration work.
- Payments shall be made after completion of restoration work items and inspection by the Historic District Commission or their agent certifying that the completed work meets the terms of the Certificate of Appropriateness (if applicable) and of the Secretary of the Interior's Standards for the Treatment of Historic Properties.

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b>	<b><u>Finance Committee</u></b>
	<b>Recommended</b>	<b>Recommended</b>

### **L. and M. Administrative and Operating Expenses**

The requested appropriation is 5% of the FY 2007 revenues in the Community Preservation Fund as provided in the Act (local surcharge and State trust fund receipts). The funding is to help the Town with administrative and legal expenses incurred in connection with the support of the Community Preservation Committee and Program, to purchase reusable Community Preservation project identification signs, and to pay for the Community Preservation Committee's annual membership in the Community Preservation Coalition.

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b>	<b><u>Finance Committee</u></b>
	<b>Recommended</b>	<b>Recommended</b>

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